



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 05 2006

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jay Lawniczak, Environmental Affairs Manager
Republic Engineered Products, Inc.
1807 East 28th Street
Lorain, Ohio 44055

Re: Notice of Violation and Finding of
Violation
Republic Engineered Products, Inc.
Lorain, Ohio

Dear Mr. Lawniczak:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice of Violation (NOV) and Finding of Violation (FOV) to Republic Engineered Products, Inc. ("REP" or "you") pursuant to Section 113(a)(1) and (3) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1) and (3). We find that you have violated the Ohio State Implementation Plan and your Title V permit at the Lorain, Ohio facility.

We have several enforcement options under Section 113(a)(1) and (3) of the Act, 42 U.S.C. § 7413(a)(1) and (3). These options include issuing an administrative compliance order, issuing an administrative penalty order, or bringing a civil or criminal action. The options we select may depend on, among other things, the length of time it takes to achieve and demonstrate continuous compliance with the rules cited in the NOV/FOV.

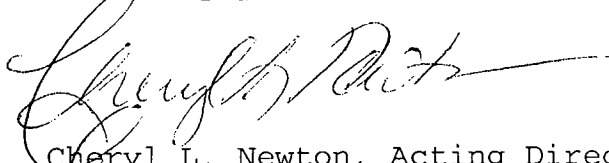
We are offering REP an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give REP the opportunity to present information on the specific findings of violation, any efforts REP has taken to comply, and the steps it will take to prevent future violations of this nature.

Please plan for your facility's technical and management personnel to attend the conference to discuss meaningfully compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Reza Bagherian. You may

call him at (312) 886-0674 to request a conference. You should make this request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Dennis Bush, APC Supervisor
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

IN THE MATTER OF:

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1. U.S. EPA approved the Ohio Administrative Code (OAC) Chapter 3745-17-07(B)(1) as part of the federally enforceable Ohio SIP on June 27, 1994 (59 Fed. Reg. 27464).
2. OAC 3745-17-07(B)(1) states that visible particulate emissions from any fugitive dust source shall not exceed twenty percent opacity as a three-minute average.
3. U.S. EPA approved OAC Chapter 3745-17-07(B)(3) as part of the federally enforceable Ohio SIP on June 27, 1994 (59 Fed. Reg. 27464).
4. OAC 3745-17-07(B)(3) states that visible particulate emissions of fugitive dust from blast furnace casthouse shall not exceed twenty percent opacity as a six-minute average.

5. 40 C.F.R. § 52.23 provides that failure to comply with any approved regulatory provision of a SIP or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the SIP, shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Act.

Title V Permit Authority

6. Section 502(a) of the Act, 42 U.S.C. § 7661(a), requires a major source to operate with a permit issued pursuant to an approved 40 C.F.R. Part 70 ("Title V") operating permit program.
7. The State of Ohio operating permit program was granted approval on August 15, 1995, with an effective date of October 1, 1995 (60 Fed. Reg. 42045; 40 C.F.R. Pt. 70, App. A).
8. The regulation at 40 C.F.R. § 70.6(b)(1) specifies that all terms and conditions in a permit issued under Part 70 program, including any provisions designed to limit a source's potential to emit, are enforceable by the U.S. EPA under the Act.

Factual Background

9. REP owns and operates an integrated iron and steel facility at 1807 East 28th Street in Lorain, Ohio. The facility produces finished steel pipes and bars and semi-finished steel billets.
10. The Ohio Environmental Protection Agency issued a Title V permit for the facility on May 30, 2003.
11. REP operates two basic oxygen process (BOP) vessels identified in its approved Title V permit as BOP vessels "L" and "N", and a blast furnace casthouse identified as blast furnace casthouse #4, at its facility.
12. Pursuant to REP's Title V permit, visible particulate emissions of fugitive dust from the BOP vessel "L" shall not exceed 20% opacity as a three-minute average, except as otherwise provided by rule.

13. Pursuant to REP's Title V permit, visible particulate emissions of fugitive dust from the BOP vessel "N" shall not exceed 20% opacity as a three-minute average, except as otherwise provided by rule.
14. Pursuant to REP's Title V permit, visible fugitive particulate emissions from the blast furnace casthouse shall not exceed 20% opacity as a six-minute average, except as provided by rule.
15. Visible particulate emissions of fugitive dust from REP's BOP vessel "L" are subject to the visible particulate emissions standards in OAC 3745-17-07(B)(1) of the Ohio SIP and the opacity limit in the Title V permit.
16. Visible particulate emissions of fugitive dust from REP's BOP vessel "N" are subject to the visible particulate emissions standards in OAC 3745-17-07(B)(1) of the Ohio SIP and the opacity limit in the Title V permit.
17. Visible particulate emissions of fugitive dust from REP's blast furnace casthouse #4 are subject to the visible particulate emissions standards in OAC 3745-17-07(B)(3) of the Ohio SIP and the opacity limit in the Title V permit.
18. U.S. EPA inspectors conducted visible emissions observations at the facility on October 12 and 18, 2005.
19. Ohio Environmental Protection Agency inspectors conducted visible emissions observations at the facility on September 1 and 8, 2005.

Violations

20. Based on REP's observations of the visible particulate emissions of fugitive dust from the BOP vessel "L" roof monitor for the period of June 3, 2005 through July 2, 2006, REP reported the following exceedances of the emission limits at its facility:

Date	Time	Three-Minute Average Percent Opacity
January 25, 2006	1150 - 1151	22.5
February 2, 2006	1320 - 1323	22.5

- These exceedances are violations of visible particulate emissions standards in OAC 3745-17-07(B)(1) of the Ohio SIP and the visible particulate emissions opacity limit in REP's Title V permit.
21. Based on REP's observations of the visible particulate emissions of fugitive dust from the BOP vessel "N" roof monitor for the period of June 3, 2005 through July 2, 2006, REP reported the following exceedances of the emission limits at its facility:

Date	Time	Three-Minute Average Percent Opacity
August 17, 2005	1215 - 1218	70.4
	1218 - 1221	44.2
	1221 - 1224	36.3
	1224 - 1227	22.5
August 27, 2005	1139 - 1142	21.3
	1145 - 1148	22.5
September 22, 2005	1038 - 1041	21.3
	1041 - 1044	32.5
September 28, 2005	0851 - 0854	27.5
October 14, 2005	1112 - 1115	71.7
	1115 - 1118	62.1
	1118 - 1121	67.1
	1124 - 1127	53.3
December 16, 2005	1140 - 1143	41.7
	1143 - 1146	24.2
December 30, 2005	1309 - 1312	43.8
	1312 - 1315	48.8
	1315 - 1318	35.0

- These exceedances are violations of visible particulate emissions standards in OAC 3745-17-07(B)(1) of the Ohio SIP and the visible particulate emissions opacity limit in REP's Title V permit.

22. Based on REP's observations of the visible particulate emissions of fugitive dust from the blast furnace casthouse #4 roof monitor for May 4 and 5, 2006, REP had the following exceedances of the emission limits at its facility:

Date	Time	Six-Minute Average Percent Opacity
May 4, 2006	1249 - 1255	22.1
May 5, 2006	1300 - 1306	26.5
	1306 - 1312	37.5

- These exceedances are violations of visible particulate emissions standards in OAC 3745-17-07(B)(3) of the Ohio SIP and the visible particulate emissions opacity limit in REP's Title V permit.

23. Based on the U.S. EPA's observations of the visible particulate emissions of fugitive dust from the BOP vessel "N" roof monitor on October 12 and 18, 2005, REP had the following exceedances of the emission limits at its facility:

Date	Time	Three-Minute Average Percent Opacity
October 12, 2005	0944 - 0947	31.7
	0947 - 0950	22.9
	1021 - 1024	57.5
	1024 - 1027	47.1
	1030 - 1033	45.4
	1033 - 1036	37.9
	1036 - 1039	38.8
	1039 - 1042	47.1
	1042 - 1045	32.1
October 18, 2005	1016 - 1019	47.1
	1019 - 1022	37.9
	1022 - 1025	40.8

	1025 - 1028	37.1
	1028 - 1031	25.4
	1110 - 1113	48.8
	1113 - 1116	36.3
	1116 - 1119	45.4
	1119 - 1122	38.3
	1122 - 1125	36.3

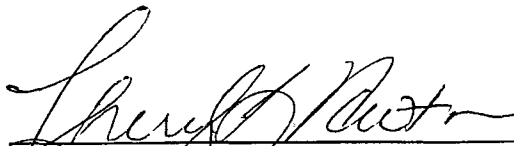
- These exceedances are violations of visible particulate emissions standards in OAC 3745-17-07(B)(1) of the Ohio SIP and the visible particulate emissions opacity limit in REP's Title V permit.

24. Based on the Ohio Environmental Protection Agency's observations of the visible particulate emissions of fugitive dust from the BOP vessel "N" roof monitor on September 1 and 8, 2005, REP had the following exceedances of the emission limits at its facility:

Date	Time	Three-Minute Average Percent Opacity
September 1, 2005	0914 - 0917	43.3
	0917 - 0920	23.8
September 8, 2005	0920 - 0923	60.0
	0923 - 0926	58.8
	0926 - 0929	35.0

- These exceedances are violations of visible particulate emissions standards in OAC 3745-17-07(B)(1) of the Ohio SIP and the visible particulate emissions opacity limit in REP's Title V permit.

9/15/06
Date


Cheryl L. Newton, Acting Director
Air and Radiation Division